

**HAMPTON BOARD OF SELECTMEN
SELECTMEN'S MEETING ROOM
JULY 23, 2007 – 7:00 PM**

PRESENT: Ben Moore, Chairman
Bill Lally, Vice Chairman
Virginia Bridle-Russell
James Workman
Rick Griffin
Fred Welch, Town Manager
Maureen Duffy, Administrative Assistant

REGRETS:

Chairman Moore called the meeting to order at 7:00PM

PUBLIC HEARING:

1. TO ACCEPT FUNDING FROM NH DEPARTMENT OF JUSTICE FOR THE ENFORCING UNDERAGE DRINKING LAWS (EUDL) GRANT IN THE AMOUNT OF \$16,000.

Deputy Police Chief Sawyer came before the Board to provide an overview of the EUDL grant. He explained that the grant funds are for special enforcement wages, open containers, compliance checks and control methods.

No public Comment.

Mrs. Bridle-Russell MOTIONED to accept and authorize the expenditure of the NH Department of Justice for Enforcing Underage Drinking Laws (EUDL) Grant in the amount of \$16,000. **Mr. Lally SECONDED.**

VOTE: UNANIMOUS FOR

2. ESTABLISHMENT OF AN EMERGENCY LANE FOR COLE STREET

Town Manager Welch has received a number of letters from Cole Street residents. During the July 9th meeting it was questioned if Cole Street was accepted by the Town as a public roadway. Mr. Welch reported that he was unable to confirm that Cole Street is public and as far as he knows it is a private roadway.

The Town Manager reported that one resident indicated that the gate at the end of the street may be closed during the winter. Currently the Public Works Department plows the street and pushes the snow through the open gate onto private property. If the Department is unable to access this space then the snow would have to be removed by a bucket loader creating significant expense to the Town.

Pictures of the ladder truck with the stabilization jacks deployed were displayed to the audience. It was apparent from the pictures that the street is extremely narrow with very little room for emergency crews to maneuver. With public safety in mind the Town Manager recommended no parking along Cole Street.

Chairman Moore explained that Town Ordinance authorizes the Fire Chief to designate Fire Lanes which bans parking along specified areas. If he chooses to declare the east side of Cole Street a Fire Lane the Town still does not have the legal ability to plow the roadway. In addition the Board does not have the legal authority to supersede the Fire Chief's decision.

Chairman Moore noted that the Board has received letters of objection for Cole Street to be designated as an Emergency Lane. For that reason the Board cannot legally designate the street as an emergency lane, therefore preventing the Town from legally expending public funds for maintenance (i.e. plowing, road repair).

Mr. Griffin understands the need for emergency equipment to have the ability to access the structures along the street however is concerned about parking being eliminated. Mr. Welch expressed his concern about emergency equipment being able to access homes along Cole Street and acknowledged that parking is an issue.

There was also discussion on the illegal act of dumping snow into the marsh. Mr. Griffin pointed out that many residents remove snow and place it in the marsh creating an ecological disaster.

Considering the complexity of the issue Mr. Welch suggested that the Town stay with the status quo for the time being and continue plowing private streets until a successful strategy can be administered. He also suggested placing residents along the street on notice that plowing services are under review and may be eliminated. Mr. Welch encouraged residents along private roadways to petition the Selectmen to designate their street as an emergency lane if they so desire. The review of providing services to private roadways will continue. Data such as roadway dimensions and photographs will be collected. The Town Manager noted that there is a need to proceed with pursuing the legislature to amend the statute.

PUBLIC COMMENTS

Kevin Sullivan (21 Cole Street) has owned his property along Cole Street for over 19 years and cannot remember the last time that the gate was closed. He encourages Public Works to push snow onto his property so that the street can be cleared. He suggested that a white line be painted on the east side of the street to designate parking. Mr. Lally noted that enforcing parking would be the problem as it is a private roadway. The Town Manager pointed out that the Town would not be legally able to expend funds on the street. Mr. Griffin said that Cole Street residents need to acknowledge the parking issue and consider owning smaller vehicles.

Arthur Moody (3 Thomsen Road) said that he is confused about Fire Lanes. He talked about the National Fire Code and questioned if the Town had adopted it. He also said that he believes the National Fire Code and the State Fire Code conflicts with the Town ordinance regarding Selectmen's authorization to declare emergency lanes. Mr. Moody wondered what authority the Fire Chief has under State law. Mr. Welch said that fire lanes fall under the National Fire Protection Act (NFPA 101), Life Safety Code which the State and Town have adopted. Mr. Welch also explained that it is not a building code as Mr. Moody had implied. Mr. Moody stated that the Selectmen have jurisdiction over public roadways. Mr. Welch said that to a certain degree they do and that RSA 47:17 VII & VIII outlines the roles of town officials.

Bob Ladd (7 Cutler Avenue) asked if the Town is prepared to offer services to private road citizens by method of payment. Mr. Moore understands that the statute does allow the Town to provide services if paid for. At this point in time the Selectmen are not planning on charging a fee and will continue providing the same services for another season. Mr. Ladd asked if the Town has considered adopting private roadways. Mr. Welch explained that there are four different ways to accept a road in New Hampshire. Mr. Ladd asked how to interpret the provisions which hold these roads as public ways that have been used continuously since 1968. Mr. Welch said that the burden of proof is on the property owner.

Mr. Moore summarized the Town Manager's suggestion as follows: the Town will continue to snow plow until the spring of 2008 (the private roads that are currently being plowed) and that there have been objections received to designate Cole Street as an emergency lane preventing the Selectmen from declaring it as so. In addition the Town will work with local legislators in effort to improve the current statute regarding emergency lanes.

Mr. Lally MOTIONED to not designate Cole Street as an emergency lane, based on the letters of objection received from people with vested interest in property along the roadway. **Mrs. Bridle-Russell SECONDED.**

VOTE: UNANIMOUS FOR

Chairman Moore noted that the best method to resolve the private road issue would be to amend RSA 231:59. The Town has 31 private roadways and the current emergency lane law procedure is too involved.

Mrs. Bridle-Russell MOTIONED to snow plow private roadways (currently being plowed) until May 30, 2008 and discuss the subject again after that date. **Mr. Griffin SECONDED.**

VOTE: UNANIMOUS FOR

Mr. Welch stated that a notice will be sent to all residents / property owners along those streets. He also reminded private street residents that they may submit a petitioned warrant article in attempt to have the Town provide services.

SALUTE TO THE FLAG

Chairman Moore introduced those in attendance.

I. ANNOUNCEMENTS AND COMMUNITY CALENDAR

Mr. Lally wished his wife, Sandy Lally a happy birthday.

Mr. Moore announced the following summer concerts at the gazebo: The Boomers on July 13, The Dave Sammarco Band on July 27, and The Greater Hampton Community Band on August 6 and Friday's Alibi on August 17. He also announced the Rockingham Craftsmen's Fair on August 4 at Tuck Museum. Mr. Moore also reminded residents that the Hampton Heritage Commission has a Historic House Marker Program which recognizes buildings in town that contribute to Hampton's unique architectural and historical heritage. The Pig Roast is on September 1 at the Tuck Museum.

II. APPOINTMENTS

1. DYANA MARTIN – RECREATION AND PARKS DEPARTMENT UPDATE

Recreation and Parks Director Dyana Martin reported on the parks maintenance. There has been a lot of activity in and around Town parks and structures. The Public Works Department and Recreation and Parks Department worked in conjunction to cleanup around the old Town Hall. Benches have been ordered to replace any that are missing or damaged.

Mrs. Martin reminded the Selectmen that the parking lot season is half over. Revenue collectively in the lots as of July 15 was \$127,236.05 and last year at the same time were \$124,853.35.

Program counselors attended CPR and First Aid training.

The Department Head met with the NH Department of Resources and Economic (DRED), Regional Park Supervisor, Brian Warburton to prepare for the upcoming Volleyball Tournament.

The second fundraiser for the tennis/basketball courts at Tuck Field was held on June 26.

The Department is arranging a trip of the Canadian Rockies by Rail for April 2008.

Mrs. Martin discussed the many activities, events and programs that the Department has arranged. She also talked about the donations and grants that the Department has obtained.

Mr. Griffin asked if the Department is considering hiring lifeguards. The Town Manager has had discussions with Mrs. Martin and DRED and confirmed that there will be lifeguards next year at Town beaches. Mrs. Martin noted that she is familiar with the lifeguard profession as she has experience being a guard.

Mr. Griffin asked how often the seniors meet. Mrs. Martin said that the seniors meet every second Tuesday from September to June.

Mrs. Bridle-Russell asked about the enrollment at Tuck camp. Mrs. Martin noted that it has been excellent and higher than it has been in the last three years. Mrs. Bridle-Russell asked about the availability of scholarship funds. Mrs. Martin said that in the event that there is an absent scholarship recipient, the money is retracted and given to another child at a later date. Currently there is no waiting list for scholarships.

Mr. Workman inquired about the bench being replaced at the water tower along Mill Road. The bench is on the list of benches to be replaced. He is also glad to see that the Department is working on the Second Annual Summer Festival (August 11).

Mr. Moore asked about the boat at the fish shack. It is believed that Public Works removed it and that it was determined to be beyond repair.

The Westport Motel submitted a letter requesting that the Selectmen consider prorating two parking spaces at the Ashworth Parking lot. Last fall the Board decided to authorize six parking spaces to the Motel, after they had been revoked when the prior owner was duplicating passes.

The two parking spaces are available.

It was noted that the owner has signed a lease agreement for two parking spots and is looking for two more prorated.

It was the consensus of the Board to offer two spaces in the Ashworth parking lot at the full seasonal rate (\$735/space).

2. WARREN BAMBURY & JAMIE STEFFEN – ROCKINGHAM PLANNING COMMISSION

Earlier this year 163 New Hampshire towns including Hampton supported the New Hampshire Climate Change Resolution that calls on the federal government to prioritize climate change policy. It also recommends local action in the formation of town energy committees.

Hampton representative to the Rockingham Planning Commission, Warren Bambury requested that the Selectmen consider the formation of an energy committee. Town Planner Jamie Steffen noted that Hampton residents supported Article 43 (New Hampshire Climate Change Resolution) during the March 2007 vote. He also discussed the goal of the committee will be to research and discover the many options available to enable a community to become more energy efficient.

The committee is to have five to seven committee members. Mr. Steffen noted that it has been recommended that the Town consider staggering the terms (i.e. one year then two years). He also suggested that the committee report recommendations to the Planning Board for any ordinance amendments and Town policy changes will come to the Board of Selectmen. If anyone is interested in participating in the committee they may contact the Town Manager's office.

Mr. Bambury noted that Unitil has expressed interest in working with the committee. The company has been working to establish more cost effective and environmentally friendly methods of producing electricity. A notice for volunteers will be posted on Channel 22 and on the website.

Mr. Bambury also said that the Rockingham Planning Commission is interested in meeting with the Board of Selectmen regarding the bike path and other planning issues.

3. JOHN HANGEN – PUBLIC WORKS DEPARTMENT UPDATE

Operations Manager Doug Mellin discussed the many highway activities around town. The summer rubbish schedule has begun and many seasonal signs have been posted. The ongoing sewer line flushing project with the jet truck has begun. He also talked about the upcoming projects, such as cleaning and repairing catch basins. Mr. Mellin reported that the Waste Water Treatment Plant activities such as painting the inside of one of the dewatering channels and a feed pump needed to be repaired. He then discussed that the recycling for the month of May was 24% higher than last year and that the rubbish volume is 490 tons less during the same time last year. The transfer station has been issuing the new bar code cards and the new data system at the scale house has also been implemented.

Mr. Lally said that he talked to a resident along Jenness Road about a large culvert in the area. He said that the resident was quite concerned about children and animals getting into the culvert. Mr. Hangen said that his Department has a lot of concerns about the entire neighborhood. He talked about the weeds and the marsh grass clogging the culvert. From time to time the Department does dig a pool but over time it fills back in. Mr. Hangen said that he is waiting for the marsh contractor to dig another pool. He said that it is an undesirable design. Mr. Lally asked if a screen could be placed over the culvert. Mr. Hangen replied by stating that it needs to be open and that a flapper valve on the end will be placed on the culvert to improve the flow of water.

Mr. Moore asked if there are any more highway projects scheduled for this year. Mr. Mellin reported that all paving is done for the season. Mr. Moore asked about the head-works project. Mr. Hangen said that the contracts will be presented to the Town Manager tomorrow for signing. He is hopeful that the project will be complete by late fall or early spring.

Public Works Director John Hangen reported that his Department is working to present a budget for 2008 that is lower than the 2007 one.

Mrs. Bridle-Russell asked why Winnacunnet Road was recently repaved. Mr. Hangen explained that since it is a high traffic road it was in serious need of reconstruction. He also discussed that Hampton does not invest in road repairs and only fixes them when there are no other alternatives.

Mr. Hangen discussed his Department's objectives to reduce solid waste. The following objectives are as follows: reduce total weight by 2,000 tons = \$160,000 to invest in roads/infrastructure, increase income by \$80,000, determine future policy on rubbish collection which may exclude collection from commercial customers, charge for all rubbish coming into the Transfer Station (5¢/pound if recycled and 10¢ if not recycled), set maximum barrel standard for weekly collection (i.e. three per address).

As a community, Hampton generates more than 60% of what neighboring towns and cities produce in tons of solid waste. Hampton should be recycling 40% of its solid waste however is only at a 20% rate. Solid Waste costs have increased significantly and if the Town maintains the current rate of solid waste it will cost approximately \$2 million a year to operate the Transfer Station.

Mr. Hangen presented the following two options to the Selectmen in attempt to control escalating costs:

Option 1

- Once per week pickup of residential rubbish only
- Limit 3 – 32 gallon barrels per lot
- If extra barrel(s) needed by resident a charge of \$3.50 per barrel/week will be levied
- Allow 100 pounds free at the Transfer Station per week for residential rubbish
- Fees at the Transfer Station per week for residential rubbish
- Fees at the Transfer Station shall be 5¢ per pound if recyclables are removed and 10¢ per pound with recyclables included
- All recycling will be free at the curb and at the Transfer Station
- Business pickup at the beach on Ocean Boulevard shall be by the Beach Commission, by the Chamber of Commerce, or by the business themselves

Option 2

- Once per week pickup of Residential AND Business
- Limit 3 – 32 gallon barrels per lot
- If extra barrel(s) needed a charge of \$3.50 per barrel/week will be levied
- Allow 100 Pounds free at the Transfer Station per week for residential and/or commercial (one business per lot)
- Fees at the Transfer Station shall be 5¢ per pound if recyclables are removed and 10¢ per pound with recyclables included
- All recycling will be free at the curb and at the Transfer Station
- ~~Have ALL TAXPAYERS pay for business pickup on nights and weekends on Ocean Boulevard~~

The current system subsidizes the commercial trash pickup. Mr. Hangen noted that many businesses do not recycle bottles or cans, which generate more solid waste. It would be to the benefit of the Town to enforce recycling.

It was questioned how home based businesses would be treated. Mr. Hangen believes that in most cases home businesses would generate little trash and it is likely that they would be considered residential. In some cases these businesses have dumpsters.

There was also discussion on whether or not the topic should be voted on by Hampton residents.

Mr. Hangen asked the Board to provide him with specific direction in order to solve the escalating cost of trash.

There was discussion on enforcement problems with the current trash collection ordinance.

It was the consensus of the Board to strike the last bullet out under option 2. It was also the consensus of the Board to choose one of the options and determine what the legal obligation the Town has regarding the subject (i.e. Town vote requirement).

Mr. Griffin noted that many people do not understand what is recyclable. Mr. Moore suggested that the Town order additional booklets from Waste Management to be distributed at the transfer station.

III. MINUTES – JULY 9, 2007

Page 7 – first paragraph – first sentence – replace “...July 17, 2007” with “September 30, 2007.”

Minutes stand as amended.

IV. OLD BUSINESS

1. TOWN MANAGER'S REPORT

Mr. Welch reported that correspondence with the US Department of the Interior regarding Federal property ceded to the Town in 1973. The property consists of a right-of-way and water front land located in the harbor that was the access for location of the former Coast Guard Boathouse site. A complaint was previously forwarded to the National Park Service that access to the site was no longer available. The complaint was investigated and found that access is available. The necessary documents and plans have been filed with the National Park Service.

Thanks to Representative Stiles we have passed onto the Chairman of the USS Hampton Committee information regarding the keel laying, construction and launching of the USS New Hampshire being constructed at the Electric Boat Division in Groton, Connecticut. The keel was laid on April 30, 2007 and christening will occur on a date to be announced in 2008.

On Thursday evening (July 19th) Mr. Welch met with the Library Trustees to discuss the coming Plan New Hampshire Charette in September that will address municipal infrastructure needs including those of the Library.

The grounds maintenance work at the Old Town Hall is moving forward with much of the overgrown vegetation being removed from around the structure. Further grounds work will take place so that the property has a more manicured look in keeping with the surrounding community.

The Parks and Recreation Department has also been instructed to remove vegetation encroaching on the old District Court Building including the removal of several dead and dying trees at the rear of the property. An additional dying tree on Academy Avenue beside the Court will be removed as well as two dying trees behind the Fire Station.

2008 Budget preparation is about to start with the revised default budget scheduled for completion this week.

There are eight properties that are still in need of hooking up to the sewer system at the beach.

Mr. Welch presented the Board with a Selectmen's order to direct the Town Manager to examine and reorganize the Parks & Recreation Department, the Department of Public Works, the Police Department and Fire Department in effort to achieve cost effectiveness in appropriations together with proper and effective management and economical delivery of services. The Town Manager will report back to the Selectmen his actions.

SELECTMEN'S RESPONSE TO THE TOWN MANAGER'S REPORT

Mr. Griffin reported that there is a problem with enforcement at resident parking only lots. He has noticed many vehicles without resident parking stickers in the lot across from North Beach. Mr. Workman reported that he has seen the police enforcing parking violations in resident parking lots.

It was the consensus of the Board to have the Chairman sign the letter as prepared to the Department of Transportation regarding the placement of directional signs on Route 1 on the south side and north side of Lafayette Road to provide driver guidance to avoid entanglements at Route 1 and Park Avenue.

It was also the consensus of the Board to sign the Parks & Recreation Department, the Department of Public Works, the Police Department and Fire Department order as presented.

2. SELECTMEN'S ORDINANCE - SOLICITING FUNDS

Mr. Lally MOTIONED to accept and sign the Selectmen's Ordinance regarding Soliciting Funds. **Mrs. Bridle-Russell SECONDED.**

**VOTE: 4 FOR
ABSTAINED – Bridle-Russell**

Mr. Workman MOTIONED to authorize the Town Manager to sign the Wright-Pierce contract for engineer construction services at the Waste Water Treatment Plant. **Mrs. Bridle-Russell SECONDED.**

VOTE: UNANIMOUS FOR

OLD BUSINESS CONTINUED

Mr. Griffin and Mr. Workman said that they have received numerous complaints about noise. Mr. Griffin questioned if there was anything that the Selectmen can do to help solve that problem. Mr. Welch said that there is no noise ordinance and he too has received many calls about noise from construction sites. If residents or visitors are having problems with noise levels they should contact the police.

In response to the number of complaints received the Town Manager is working on developing a noise ordinance.

Mrs. Bridle-Russell asked about the status of the Town clock. Mr. Welch reported that it is 80% restored.

IV. NEW BUSINESS

1. PETITION TO CONVERT SUSAN LANE & SURROUNDING STREETS FROM PUBLIC TO RESIDENT ONLY / PROPERTY OWNER PARKING

The residents along Susan Lane are extremely frustrated with the lack of parking along their street due to the number of beach visitors.

Town Attorney Gearreald discussed the various parking options that the Selectmen may consider.

Mr. Griffin MOTIONED to deny the request to convert Susan Lane and surrounding streets from public to resident only parking. **Mr. Lally SECONDED.**

VOTE: UNANIMOUS FOR

2. ACTION ON SPECIAL PERMIT DENIAL

On May 2, 2007 the Planning Board denied the special permit to impact the Wetlands Conservation District at 1032 Ocean Boulevard. The reason for denial was because the wall does not comply with Section 2.3.1G. of the Hampton Zoning Ordinance.

It was the consensus of the Board of Selectmen was to send the matter to the Building Department to be enforced.

3. FISH HOUSE REQUEST

Item will be deferred until Town Counsel has thoroughly reviewed the subject.

4. REQUEST TO PURCHASE TOWN PROPERTY

The Selectmen received a request from the property owners of 187 King's Highway to purchase a portion of Town property that extends to Ocean Boulevard through to the corner of the Town residential parking lot.

Mr. Workman MOTIONED to deny the request to purchase a portion of the Town residential parking lot. **Mrs. Bridle-Russell SECONDED.**

VOTE: UNANIMOUS FOR

5. STATUTE ACCEPTANCE - LIABILITY FOR DAMAGES

Mr. Workman MOTIONED to adopt Chapter 31, Powers and Duties of Towns, Liability for Damages Limited, Indemnification, Insurance. **Mrs. Bridle-Russell SECONDED.**

VOTE: UNANIMOUS FOR

6. INTERSECTION OF WINNACUNNET ROAD & PARK AVENUE

The Winnacunnet Cooperative School District has completed all required work on the intersection of Winnacunnet Road and Park Avenue (Spur road project). Public Works Director Hangen has indicated (via email) that the work meets the Departments approval and that the school has assured him that if the grass that has been seeded does not grow it will be reseeded this fall. In addition he recommended that the bond be released.

Mrs. Bridle-Russell MOTIONED to release the remainder of the bond (\$5,000) back to the Winnacunnet Cooperative School District. **Mr. Lally SECONDED.**

VOTE: UNANIMOUS FOR

7. REQUEST FOR ADDITIONAL PARKING SPACES – WESTPORT MOTEL

Previously discussed under Appointments.

OTHER NEW BUSINESS

Mr. Lally reported that the Hampton Beach Precinct would like to invite the Town Manager and Selectmen to an awards ceremony on August 19 at 7PM.

He also talked about the condos on the left at the end of High Street. He said that people are parking on the north side. Mr. Lally said that he was unable to find the ordinance prohibiting parking on that side. He asked the Town Manager to check the ordinance.

VI. CONSENT AGENDA

1. Release of Notice of Welfare Lien
2. Pool Table Permit
3. Cemetery Deed
4. Request for Sidewalk Sale - Seafood Festival
5. Banner Across Ashworth Avenue
6. MDA Toll Booth – Professional Firefighters of Hampton, I.A.F.F. Local 2664

Mr. Griffin MOTIONED to accept the consent agenda as presented. **Mrs. Bridle-Russell SECONDED.**

VOTE: UNANIMOUS FOR

VII PUBLIC COMMENTS

Mary Boynton (27 Taylor River Estates) asked if the Board would consider plowing the snow along the Taylor River Estates roadway. Chairman Moore said that the Board will not be adding additional streets to the current list of private roads receiving services. Mrs. Boynton reminded the Board of the 14th Amendment to the Constitution.

An owner of a motel at the beach came before Board to express his frustration with the Public Works Director's suggestion to stop commercial trash pickup. The business owner commented on the high taxes he pays and is upset with the suggestion.

VIII. CLOSING COMMENTS:

None

IX. ADJOURNMENT

Mrs. Bridle-Russell MOTIONED to adjourn at 10:50 p.m. **Mr. Workman SECONDED.**

VOTE: UNANIMOUS FOR

Chairman